



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/672,075

09/29/2003

Henry H. Cutler

XANI121763

4731

26389

7590

11/07/2005

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

NGUYEN, MATTHEW VAN

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,075

Applicant(s)

CUTLER, HENRY H.

Examiner

MATTHEW V. NGUYEN

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-106, 109 and 110 is/are pending in the application.
- 4a) Of the above claim(s) 54-76, 109 and 110 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 77-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/14/05 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/04-6/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

REST AVAILABLE COPY

1. Applicant's election with traverse of Group II, claims 77-106, in the reply filed on 8/25/05 is acknowledged. The traversal is on the ground(s) that Group I and Group II give no serious burden. This is not found persuasive because Group I and Group II have acquired a separate status in the art as shown by their different classification, and the search required for Group I is not required for Group II, as reasoning in the Restriction mailed on 5/23/05.

The requirement is still deemed proper and is therefore made FINAL.

2. The disclosure should be carefully reviewed and ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 77-101 and 103-106 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimamori (U.S. Pat. No. 5,932,938).

With regard to claims 77-101 and 103-106, Shimamori (i.e., Figs. 1-5) shows a system for controlling an energy DC-DC transfer device (31) comprising a load power sensor (DET2, DET4, DET5) for measuring power supplied to the load, a voltage sensor (DET1, DET6) for measuring a supply voltage, a processor (41, 51) in communication with the voltage sensor, the load power sensor and the energy transfer device for causing the energy transfer device to change the

BEST AVAILABLE COPY

amount of power drawn from the energy converter when the supply voltage of the energy converter meets a criterion, the criterion and the change (decrease/increase) in the amount of power drawn from the energy converter being dependent upon a present amount of power being supplied to the load, the processor also for deeming the supply voltage satisfying the criterion when the supply voltage is within a first range of voltage being bounded between minimum and maximum limits relative to a reference (Table of Fig. 2).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 77-79, 90, 100, 101 and 103-106 are rejected under 35 U.S.C. 102(e) as being anticipated by Stamenic et al. (U.S. pat. No. 6,690,590).

With regard to claims 77-79, 90, 100, 101 and 103-106, Stamenic et al. (i.e., Figs. 1, 4-6) shows a system for controlling an energy DC-DC transfer device (20) comprising a load power sensor (36) for measuring power supplied to the load, a voltage sensor (24) for measuring a supply voltage, a processor (22) in communication with the voltage sensor and the load power sensor and the energy transfer device for causing the energy transfer device to change the amount of power drawn from the energy converter when the supply voltage of the energy converter meets a criterion, the criterion and the change

Art Unit: 2838

(decrease/increase) in the amount of power drawn from the energy converter being dependent upon a present amount of power being supplied to the load.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 102 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamori in view of Fletcher et al. (U.S. Pat. No. 3,795,858).

With regard to claim 102, Shimamori shows a system for controlling an energy transfer device comprising all the claimed subject matter as discussed above in subparagraph 4, except for a DC to AC inverter included in a system.

Fletcher et al. (i.e., Fig. 3) discloses a power converter device in which a DC to AC inverter (20) is comprised.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the DC to AC inverter as shown in Fletcher et al. into the power converter system of Shimamori for the purpose of giving the system an ability of supplying AC voltage to an AC load.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shikata et al. (U.S. Pat. No. 5,917,711), Takada et al. (U.S. Pat. No. 6,882,131) and Okamoto (U.S. Pat. No. 6,917,185) also disclose systems for controlling a power

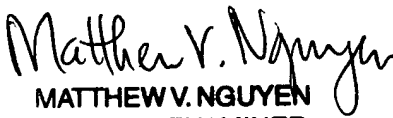
BEST AVAILABLE COPY

Art Unit: 2838

transfer device, each of which comprises substantial elements as recited in the claims of the instant application

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew V. Nguyen whose telephone number is (571) 272-2081.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2800.


MATTHEW V. NGUYEN
PRIMARY EXAMINER

BEST AVAILABLE COPY